

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Dededo, Guam))

MB Docket No. _____
RM- _____

FILED/ACCEPTED

NOV 28 2007

To: Secretary, Federal Communications Commission

Attn: Assistant Chief, Audio Division
Media Bureau

Federal Communications Commission
Office of the Secretary

PETITION FOR RULEMAKING OF MOY COMMUNICATIONS, INC.

Moy Communications, Inc. ("Moy"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules,¹ hereby respectfully submits this Petition for Rulemaking ("Petition") requesting that the Commission institute a rulemaking to amend Section 73.202(b), the FM Table of Allotments, as proposed herein.² By this Petition, Moy seeks to allocate a new channel 243C1 to Dededo, Guam.

Moy's proposal will provide Dededo with its second local commercial FM station. The Commission determined that Dededo is a community for allocation purposes in 1997,³ and Dededo continues to qualify as a community under the Commission's

¹ 47 C.F.R. § 1.401.

² Pursuant to the new procedures in Section 1.401, Moy is filing concurrently herewith an application on FCC Form 301 proposing to construct a new FM station on channel 243C1 at Dededo, Guam.

³ Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Dededo, Guam), *Report and Order*, 12 FCC Rcd 5943 (1997) (amending the FM Table of Allotments to allot Channel 286C to Dededo, Guam).

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List ABCDE
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standards.⁴ Dededo is a village recognized by the U.S. Census Bureau with a population of 42,980.⁵ Dededo has a municipal government, including a Mayor and Vice Mayor.⁶ It also features several churches, as well as public and private schools.⁷

As shown in the attached Engineering Statement, which Moy also is submitting with its concurrently filed construction permit application, Moy's proposal to allot Channel 243C1 to Dededo complies with the Commission's technical requirements. Channel 243C1 can be assigned to Dededo in full compliance with the Commission's minimum distance separation rules.⁸ No co-channel, first-adjacent, second-adjacent, or third adjacent FM stations are assigned to any community on the island of Guam. Moreover, the station's 70 dBu contour would encompass Dededo.

In the event Channel 243C1 is allocated to Dededo, Guam, Moy will participate in an auction for the station. If Moy is the winning bidder in the auction and if the Commission grants the construction permit application Moy has submitted concurrently with this Petition, Moy will build the station and operate it.

⁴ The Commission defines communities as "geographically identifiable population groupings" and considers whether the social, economic, and cultural organizations located in the community identify themselves with the community. *Strattanville and Farmington Township, Pennsylvania*, 15 FCC Rcd 23848, ¶ 5 (2000); see e.g. *Dillsboro and Rosman, North Carolina*, 15 FCC Rcd 25562 (2000).

⁵ <http://www.census.gov/prod/cen2000/island/GUAMprofile.pdf> (last visited: Nov. 27, 2007).

⁶ See www.mayorscouncilofguam.org (last visited: Nov. 27, 2007); http://www.peaceguam.org/village_profiles/Dededo.pdf (last visited: Nov. 27, 2007).

⁷ *Id.*

⁸ See Appendix A (Engineering Statement).

In light of the foregoing, the Commission should issue a *Notice of Proposed Rulemaking* proposing to implement the following amendments to the FM Table of Allotments:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Dededo, GU	286C	243C1, 286C

Respectfully submitted,

MOY COMMUNICATIONS, INC.

By: 

Michael D. Basile

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Its Attorneys

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November 28, 2007

APPENDIX A

Engineering Statement for
Moy Communications, Inc.
Petition for Rulemaking

In the Matter of
Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast Stations
(Dededo, Guam)

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
DEDEDO, GUAM

NOVEMBER 12, 2007

CH 243C1 50 KW 165 M

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
DEDEDO, GUAM
CH 243C1 50 KW 165 M

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TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
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NEW FM RADIO STATION
DEDEDO, GUAM
CH 243C1 50 KW 165 M

Technical Narrative

The technical exhibit of which this narrative is part was prepared in support of an application for a new FM radio station to be assigned to Dededo, Guam. This application is simultaneously filed with a *Petition for Rule Making* seeking the new FM allotment at Dededo.

Summary of Proposal

- Allocate Channel 243C1 at Dededo, Guam.

This is a hybrid type of filing, with this simultaneously filed herein Form 301 application and *Petition for Rule Making*.

The proposed Channel 243C1 at Dededo, Guam can be allocated at the below proposed allotment reference coordinates:

13° 29' 17" North Latitude
144° 49' 35" East Longitude

Proposed Transmitter Location

A map showing the transmitter site location is provided in Figure 1. A sketch showing the proposed antenna and supporting structure is shown on Figure 2.

Interference Concerns

The 115 dBu predicted "blanketing" contour of the proposed station would extend radially less than 3 kilometers from the transmitting site. No interference is expected. However, the applicant recognizes its responsibility to resolve complaints of interference, including blanketing and receiver-induced interference as required by Sections 73.315(b), 73.316(e) and 73.318.

Coverage Contours

The predicted coverage contours for the proposed operation were calculated in accordance with the provisions of Section 73.313. In accordance with current FCC practice, the distances to the contours were calculated without consideration given to terrain roughness correction factors.

The average terrain elevations from 3 to 16 kilometers along eight radials evenly spaced at 45-degree intervals were obtained from a N.G.D.C. 30-second terrain database. The terrain elevations were then used in combination with the effective radiated power for determining the distances to coverage contours.

Figure 3 is a map showing the predicted coverage contours. As the map illustrates, the FCC predicted 70 dBu contour entirely encompasses the principal community of Dededo, Guam.

Allocation Study

Figure 4 is an allocation study for channel 243C1 at the proposed site. There are no nearby co- or adjacent channel stations of concern.

Radiofrequency Electromagnetic Field Exposure Analysis

Upon authorization and construction of the herein facility, the applicant will undertake a ground level radiofrequency electromagnetic survey of the transmitter site to ensure the new radio station does not create unrestricted access to radiofrequency electromagnetic field exposures in excess of the Commission's standards.

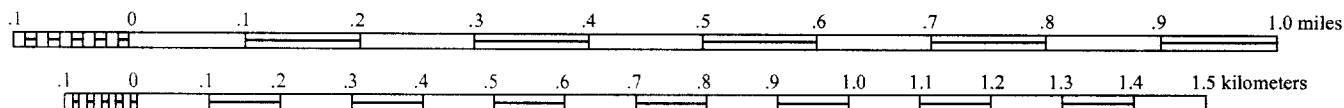
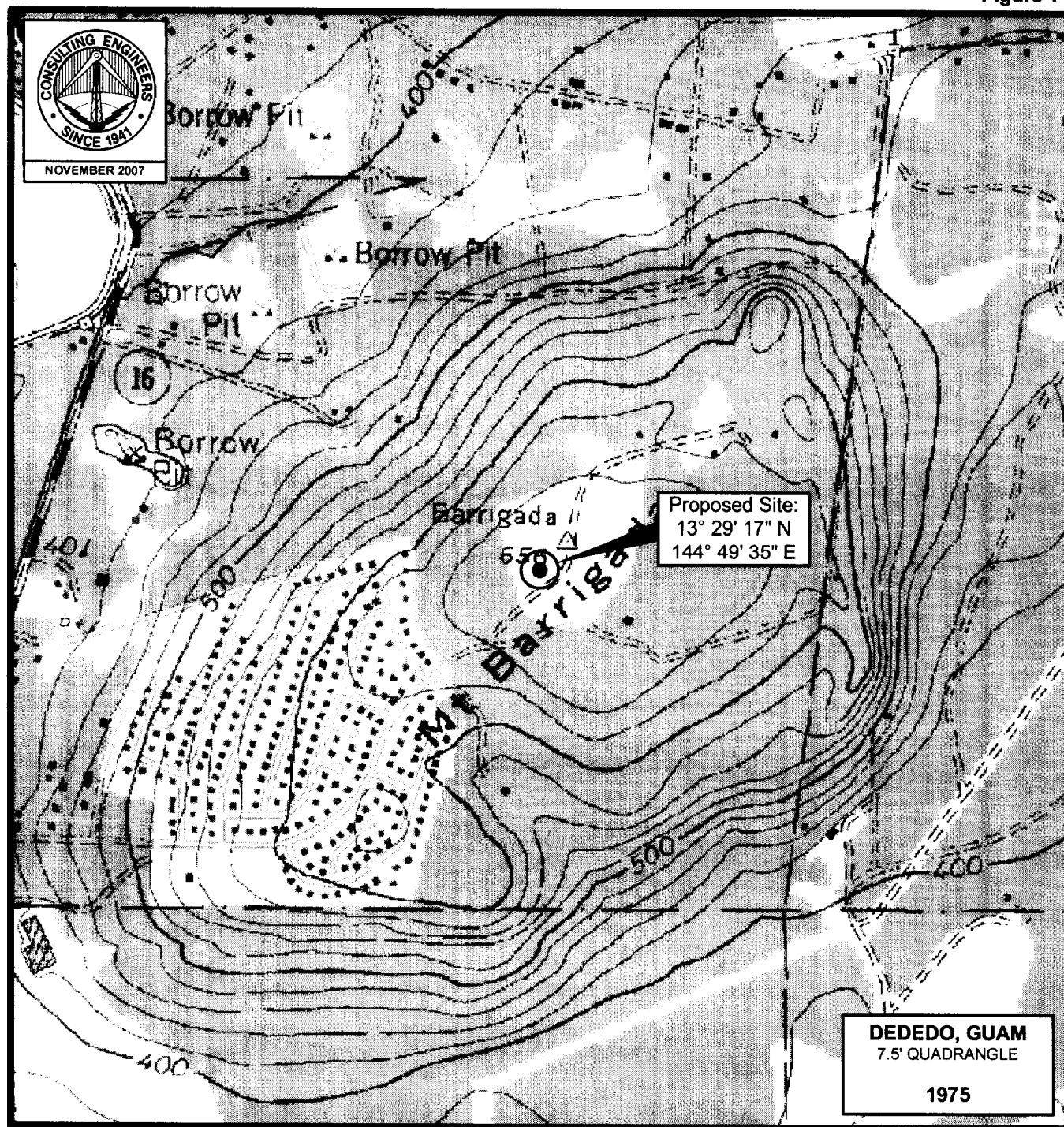
It is noted that this statement only addresses the potential for radiofrequency electromagnetic field exposure. All other aspects of the environmental processing analysis will be or already have been provided to the FCC by the tower owner as part of the tower registration process.

Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
941.329.6000

November 12, 2007

Figure 1

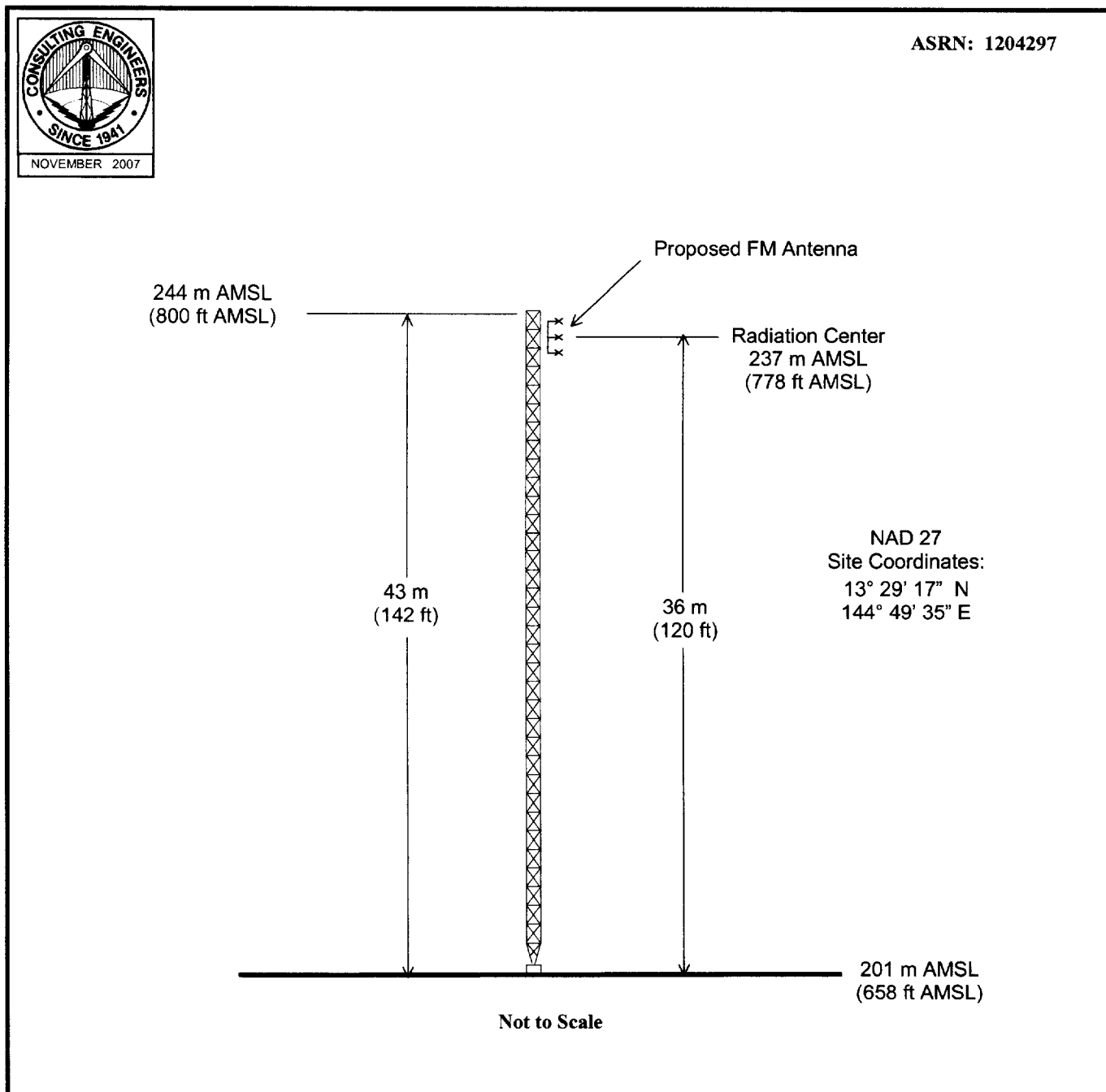


PROPOSED TRANSMITTER SITE

NEW FM STATION
DEDEDO, GUAM
CH 243C1 50 KW 165 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



ANTENNA AND SUPPORTING STRUCTURE

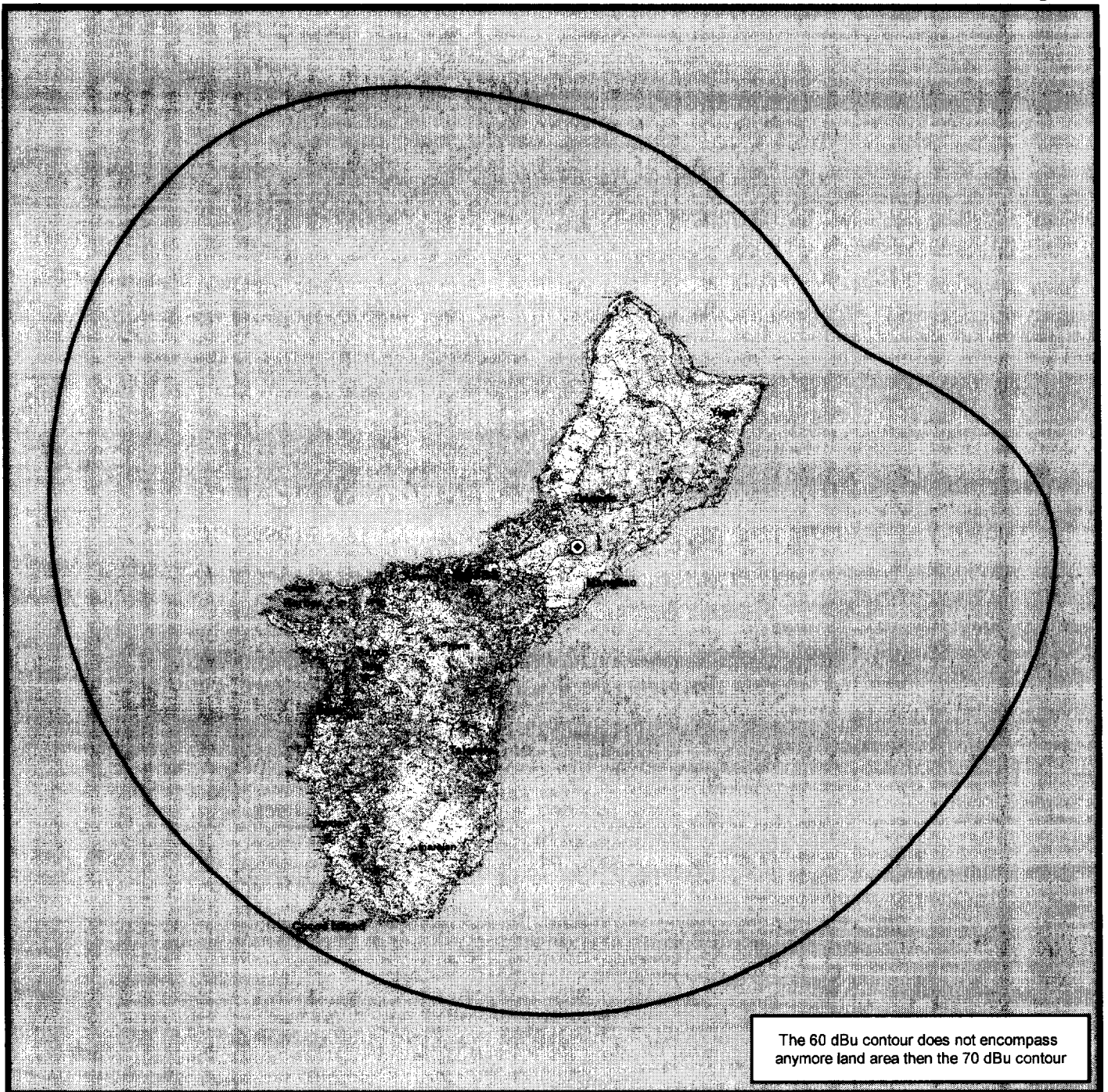
NEW FM RADIO STATION

DEDEDO, GUAM

CH 243C1 50 KW 165 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 3



10 0 10 20 30 40 50
Kilometers

FCC PREDICTED 70 DBU CONTOUR

NEW FM STATION
DEDEDO, GUAM
CH 243C1 50 KW 165 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

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DEDEDO, GUAM
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Channel 243C1 Dededo, Guam Allocation Study

13° 29' 17" North Latitude
144° 49' 35" East Longitude

Call Id	City St	Status	File Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
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NO ALLOCATION ISSUES.

Figure 5

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
DEDEDO, GUAM
CH 243C1 50 KW 165 M

Radial	Average Terrain (m)	Height Above Average Terrain (m)	Distance to Contours	
			70 dBu (km)	60 dBu (km)
0	98	140	31.5	50.8
45°	156	81	24.6	41.1
90°	69	168	34.6	54.4
135°	88	149	32.5	52.1
180°	73	164	34.1	53.9
225°	59	178	35.5	55.4
270°	29	208	38.0	58.1
315°	04	233	39.8	60.2
Average	72	165	---	---

Note: Average terrain elevations were obtained from the nearly co-located KOLG-FM, Channel 215C3, Agana, Guam Application for Construction Permit application (BMPED-19920422IE).